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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,635	01/16/2004	Frank Luisi	P-32204-03K	1203

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EXAMINER

SCHNEIDER, CRAIG M

ART UNIT PAPER NUMBER

3753

DATE MAILED: 01/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/759,635

Applicant(s)

LUISI, FRANK

Examiner

Craig M. Schneider

Art Unit

3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 1/16/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-12 and 15-17 is/are rejected.
- 7) ☒ Claim(s) 6-7 and 13-14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/16/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/16/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

The disclosure is objected to because of the following informalities: On page 3, lines 22 and 24 "108" is recited but is not indicated in the drawings. It appears that the "108" that is recited should be --105--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 8, and 15-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Shimosaki (3,631,871).

Shimosaki discloses an external governor spring bracket assembly for use in combination with a shaft mounted governor valve assembly in an automatic transmission, the governor valve assembly including a primary valve weight (4) and a secondary valve weight (19) disposed in opening and closing relation to a governor fluid outlet (9)(col. 2, line 73 to col. 3, line 2), the spring bracket (15) assembly comprising a compression spring (14) disposed in coaxial engagement with the primary valve weight and a governor spring bracket of conforming generally to an external surface of the governor valve assembly as seen in Figure 1(col. 2, lines 20-48), wherein the bracket supports the compression spring in engagement with the primary governor weight, the

compression spring urging the primary governor weight to a closed condition in relation to the governor fluid outlet thereby preventing excessive governor output pressure at low shaft speed (col. 2, lines 56-60).

Regarding claim 16, Shimosaki further discloses that there is a predetermined force for the spring (col. 2, line 73 to col. 3, line 8).

Regarding claim 17, Shimosaki further discloses that mechanical fasteners such as machine screws attach the bracket as seen in Figure 1.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 8, and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Searles (3,642,014) in view of Shimosaki (3,631,871).

Searles discloses a shaft mounted governor valve assembly in an automatic transmission (col. 2, lines 35-36), the governor valve assembly including a primary valve weight (46) and a secondary valve weight (60) disposed in opening and closing relation to a governor fluid outlet (18) comprising a compression spring (52) disposed in coaxial engagement with the primary valve weight as seen in Figure 1 (col. 2, line 55-65 and col. 3, lines 35-44). Searles does not disclose an external governor spring bracket assembly comprising a governor spring bracket conforming generally to an external surface of the governor valve assembly, wherein the bracket supports the compression

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spring in engagement with the primary governor weight, the compression spring urging the primary governor weight to a closed condition in relation to the governor fluid outlet thereby preventing excessive governor output pressure at low shaft speed. Shimosaki discloses an external governor spring bracket assembly comprising a governor spring bracket (15) conforming generally to an external surface of the governor valve assembly, wherein the bracket supports the compression spring (14) in engagement with the primary governor weight (4) as seen in Figure 1 (col. 2, lines 20-48), the compression spring urging the primary governor weight to a closed condition in relation to the governor fluid outlet thereby preventing excessive governor output pressure at low shaft speed (col. 2, lines 56-60).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the outside mounting bracket assembly of Shimosaki onto the spring retaining means of Searles, in order to allow for easier access to the interior of the governor valve assembly for maintenance purposes.

Regarding claim 16, Shimosaki further discloses that there is a predetermined force for the spring (col. 2, line 73 to col. 3, line 8).

Regarding claim 17, Shimosaki further discloses that mechanical fasteners such as machine screws attach the bracket as seen in Figure 1.

Claims 2-5 and 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Searles-Shimosaki as applied to claim 1 and 8 above, and further in view of Ichimura (3,690,335).

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Searles-Shimosaki discloses all the features of the claimed invention except that a spring seat is formed in the bracket in coaxial alignment with the governor spring weight. Ichimura discloses a spring seat that is formed in a bracket in coaxial alignment with the governor spring weight.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to alter the spring bracket of Searles-Shimosaki that has an opening and is attached on the outside of the valve assembly to include a detent as disclosed by Ichimura, in order to provide a more secure seat for the spring.

Regarding claim 3, the governor spring bracket assembly is designed with a central relief aperture that provides clearance for the primary governor weight at the furthest extent of its travel (col. 3, lines 6-9).

#### ***Allowable Subject Matter***

Claims 6-7 and 13-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Croswhite (3,431,929), Kuusik (4,194,520), Yamashita et al. (4,628,952), Queitzsch, Jr. (5,234,014), and Searles (3,322,133) disclose other governor valves with spring aided weight valves.

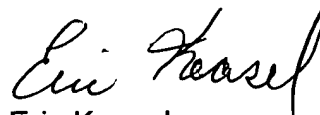
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig M. Schneider whose telephone number is (571) 272-3607. The examiner can normally be reached on M-F 8:30 -5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Keasel can be reached on (571) 272-4929. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CMS *CMS*  
January 10, 2006

  
Eric Keasel  
Primary Examiner  
Art Unit 3754